

REMARKS/ARGUMENTS

Claims 1 through 3, 6 through 12, 15 through 18, 20 through 25 and 27 through 32 remain in this application. Claims 1, 3, 6 through 9, 11, 12, 15, 17, 20 through 22, 24, 25, 27 through 29 and 31 have been amended.

Claims 1 through 4, 6 through 13, 15 through 18, 20 through 25, and 27 through 32 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,301,609 (issued Oct. 9, 2001) to Aravamudan, et al. [hereinafter "*Aravamudan*"].

Claims 1, 9, 17 and 22 are the only independent claims remaining. Claims 1 and 17 as amended provide, *inter alia*, gathering wireless link information associated with the first device, wherein the wireless link information is link cost or latency for wireless communication of the first device. Claim 9 as amended provides, *inter alia*, a communication server operable to gather wireless link information associated with the first device, wherein the wireless link information is link cost or latency of the first device. Claim 22 as amended provides, *inter alia*, a second routine that directs the server to gather wireless link information associated with the first device, wherein the wireless link information is link cost or latency of the first device. Support for the above recitation is provided at page 10, line 20, through page 11, line 6, of the specification.

In contrast, *Aravamudan* discloses specific attributes defined, including information relating to a buddy's client premises equipment. *Aravamudan* does not describe or suggest any type of wireless link information of a device, such as link type or link cost, as required by claims

1, 9, 17 and 22. Therefore, claims 1, 9, 17 and 22 as amended distinguish patentably from *Aravamudan*.

Claims 2, 3, 6 through 8, 10 through 12, 15, 16, 18, 20, 21, 23 through 25 and 27 through 32 depend from and include all limitations of independent claims 1, 9, 17 and 22 as amended. Therefore, claims 2, 3, 6 through 8, 10 through 12, 15, 16, 18, 20, 21, 23 through 25 and 27 through 32 distinguish patentably from *Aravamudan* for the reasons stated above for claims 1, 9, 17 and 22.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(e) rejection of claims 1 through 3, 6 through 12, 15 through 18, 20 through 25 and 27 through 32 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request

that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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